



November 28, 2022

BY ECF AND EMAIL

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The Honorable John P. Cronan
United States District Judge
Southern District of New York
500 Pearl Street, Room 1320
New York, NY 10007

Re: *Lupin Ltd. v. Salix Pharmaceuticals, Inc., Bausch Health Companies, Inc. and Bausch Health US, LLC*, No. 1:22-cv-07656-JPC

Dear Judge Cronan:

The parties submit this joint letter in response to the Court's Order dated November 21, 2022.

On September 8, 2022, Plaintiff filed a Complaint against Salix Pharmaceuticals, Inc. ("Salix") and Bausch Health Companies Inc. ("BHC") asserting claims for breach of contract and declaratory judgment against both defendants. On October 28, 2022, Salix and BHC moved to dismiss part of Plaintiff's claims against Salix on statute of limitations grounds and all of Plaintiff's claims against BHC, which is the ultimate parent company of Salix and not a party to the contract at issue in this litigation.

On November 18, 2022, Plaintiff filed an Amended Complaint which, among other things, added Defendant Bausch Health US, LLC ("BHUS") as a defendant. BHUS is an affiliate of Salix and not a party to the contract at issue.

Defendants intend to file a new motion to dismiss on similar grounds as the initial motion. Defendants' position is that the Amended Complaint has not cured the infirmities in the original Complaint as set forth in Salix and BHC's initial motion to dismiss. Further, Defendants believe that all claims against new defendant BHUS should be dismissed for substantially the same reasons as to why all claims against BHC should be dismissed, as argued in the initial motion.

The parties have conferred and have agreed on the following briefing schedule:

- Defendants' motion is due Wednesday, December 21, 2022;
- Plaintiff's response is due Wednesday, January 25, 2023;
- Defendants' reply is due Friday, February 10, 2023.

Thank you for your consideration.

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The Honorable John P. Cronan
November 28, 2022
Page 2

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Respectfully Submitted,



Robin Adelstein

*Counsel for Salix Pharmaceuticals, Inc.,
Bausch Health Companies, Inc. and Bausch
Health US, LLC*

cc: All Counsel of Record via ECF and Email

Defendants' motion to dismiss, Dkt. 25, is denied without prejudice as moot in light of Plaintiff's Amended Complaint. Defendants' request to file a new motion to dismiss is granted. Defendants' motion is due December 21, 2022. Plaintiff's opposition is due January 25, 2023. Defendants' reply, if any, is due February 10, 2023.

SO ORDERED.

December 1, 2022
New York, New York



JOHN P. CRONAN
United States District Judge